

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 83-26

ORDER REQUIRING THE CITY OF ST. HELENA TO CEASE
AND DESIST FROM DISCHARGING WASTE CONTRARY TO
REQUIREMENTS PRESCRIBED BY THE CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD,
SAN FRANCISCO BAY REGION, AND RESCINDING
ORDER NO. 81-54

The California Regional Water Quality Control Board, San Francisco Bay
Region, (hereinafter Board) finds that:

1. On August 20, 1979, the City of St. Helena (hereinafter discharger) filed a Report of Waste Discharge that proposed a total water reclamation project to comply with the requirements of the Board.
2. On October 16, 1979, the Board adopted Order No. 79-134, a National Pollutant Discharge Elimination System (NPDES) permit, prescribing interim effluent limitations for the discharge to the Napa River until the discharger secured land and constructed facilities for the total reclamation of the wastewater on a City owned parcel.
3. On October 16, 1979, the Board adopted Order No. 79-135, a Cease and Desist Order containing a compliance time schedule for implementation of a total water reclamation project with full compliance required by October 1, 1981.
4. The discharger informed Board staff, in September, 1980, that financial constraints would not allow for the construction of the total water reclamation project. The discharger further requested a reconsideration of the waste discharge requirements prescribed by Order No. 79-134.
5. The discharger, on July 28, 1981, completed an Amended Facilities Plan and Environmental Impact Report. This report recommended a water reclamation project in dry weather with discharge of wastes to the Napa River in wet weather.
6. On September 16, 1981, the Board adopted Order No. 81-53, a revised NPDES permit which allows a secondary treated wastewater discharge to the Napa River in wet weather if all the wastewater is reclaimed in dry weather as part of a water reclamation project.
7. Order No. 81-53 states:

"A. Prohibitions

...

4. The discharge of wastewater at any point at which the wastewater does not receive an initial dilution of at least 50:1 is prohibited (receiving water to wastewater flow).

Exceptions may be allowed by the Executive Officer for seasons having a diluting flow less than a recurrence interval of once every ten years. In these cases, the discharger is required to document all circumstances surrounding the discharge.

...

B. Effluent Limitations

...

2. The waste as discharged, or at some place in the treatment process, shall meet the following limit of bacteriological quality:

The total coliform bacteria for a median of five consecutive effluent samples shall not exceed a most probable number (MPN) of 23 per 100 milliliters.

..."

8. On September 16, 1981, the Board adopted Order No. 81-54, a Cease and Desist Order, containing a time schedule for design and construction of all facilities necessary for compliance with the discharger's NPDES Permit contained in Order No. 81-53. This schedule required full compliance by May 1, 1983.
9. The discharger has informed Board staff that due to problems in acquisition of land necessary for the reclamation element of the project the time schedule contained in Board Order No. 81-54 could not be met. The discharger has since studied other water reclamation alternatives, and by letter dated June 15, 1983, has proposed a new compliance time schedule.
10. On July 20, 1983 at a meeting commencing at 9:30 a.m. in the Assembly Room, State Building, 1111 Jackson Street, Oakland, California, after due notice to the discharger and all other interested and affected persons and agencies, the Regional Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.
11. The discharger is violating and threatening to violate requirements listed in Finding 7 of this Order.
12. This action is an order to enforce waste discharge requirements adopted by the Board. This action is therefore exempt from CEQA pursuant to Section 15121 of the Resource Agency Guidelines.

IT IS HEREBY ORDERED THAT:

- A. The discharger shall cease and desist from discharging wastes contrary to requirements listed in Finding 7 of this Order.

- B. Compliance with Effluent Limitation B.2. of this Board's Order No. 81-53 shall be completed in accord with the following time schedule:

<u>Task</u>	<u>Completion Date</u>
1. Complete construction of treatment plant disinfection-dechlorination improvements	November 15, 1983

- C. Compliance with Prohibition A.4. of this Board's Order No. 81-53 shall be completed in accord with the following time schedule:

<u>Task</u>	<u>Completion Date</u>
1. Acquire land necessary for compliance	September 15, 1983
2. Begin design of effluent disposal system	August 1, 1983
3. Complete design of effluent disposal system	February 1, 1984
4. Start construction of effluent disposal system	May 15, 1984
5. Complete construction	November 1, 1984
6. Full compliance	December 1, 1984

- D. The discharger is required to provide the Board by September 15, 1983 and quarterly thereafter, a report, under penalty of perjury, on progress toward compliance with the provisions of this Order.

- E. If, in the determination of the Executive Officer, the discharger fails to comply with the provisions of this Order, the Executive Officer is authorized to take the following action after approval of the Board Chairman:

- . request the Attorney General to take the appropriate enforcement action against the discharger, including injunction and civil monetary remedies, if appropriate; and/or
- . schedule a hearing for the Board to consider whether to restrict or prohibit the volume, type, or concentration of waste that may be added to the sewer system.

- F. If the Executive Officer determines that the provisions of this Order are violated and does not refer the matter to the Attorney General or schedule a hearing to consider a restriction on additional discharges to the sewer system, he is instructed to report to the Board the reasons that the discharger has been unable to comply with the provisions of this Order.

G. Order No. 81-54 is hereby rescinded.

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on July 20, 1983.

FRED H. DIERKER
Executive Officer